

Fill The Gap

Annual Report 2015



*Court Services Division
Administrative Office of the Courts
Arizona Supreme Court*

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ARIZONA SUPREME COURT FILL THE GAP

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CRIMINAL CASE MANAGEMENT REENGINEERING

Introduction

Pursuant to A.R.S. § 12-102.01 (D), the Supreme Court reports annually “to the governor, the legislature, each county board of supervisors, the joint legislative budget committee and the Arizona Criminal Justice Commission on the progress of criminal case processing projects and the enforcement of court orders, including the collection of court ordered fees, fines, penalties, assessments, sanctions and forfeitures.” Arizona Revised Statutes § 12-102.02 (D) also requires the Supreme Court to report annually on the expenditure of fund monies for the prior fiscal year and the progress made in improving criminal case processing.

Historically, federal, state and local governments made substantial investments in placing more police officers on the street and building more prisons. These efforts sought to increase public safety, but also created a backlog in the rest of the criminal justice system. In essence, funding targeted the front and back of the criminal justice system, creating a “gap”. Funding for those entities in the “gap” did not keep pace. The Fill The Gap initiative was intended to address this problem. In 1997, the Administrative Office of the Courts (AOC) convened a work group of stakeholders (superior court, clerk of superior court, justice courts, county attorney, public defender and indigent defense counsel) in the criminal justice system to develop a strategy to secure funding from the legislature to fund the “gap.” The funding that resulted from this initiative continues to aid in the progress of accomplishing a number of improvements in criminal case processing throughout Arizona.

Case Processing Standards

Rule 8.2, Arizona Rules of Criminal Procedure establishes timelines for processing criminal cases as follows: 1) For in-custody defendants, the time to disposition is within 150 days from the date of arraignment; 2) For out-of-custody defendants, the time to disposition is within 180 days from the date of arraignment; 3) If the case is categorized as complex, the time to disposition is within 270 days from arraignment; and 4) For defendants charged with first degree murder in which the state has filed an intent to seek the death penalty, the time to disposition is within 18 months from arraignment. Rules of

criminal procedure specifically address the protection of defendant's rights in individual cases.

The National Center for State Courts (NCSC) published the *Model Time Standards for State Trial Courts* in 2011. The Arizona Judicial Branch embraced their concepts and set out to adapt them for Arizona by establishing the Steering Committee on Arizona Case Processing Standards through Administrative Order 2012-80. This Steering Committee reviewed the national model time standards, statutory requirements, court rules, and business processes of Arizona courts and recommended case processing standards for all case types in the municipal, justice, and superior courts. Administrative Order No.2014-108 adopted time standards for felony cases as follows:

- 65% of cases should be disposed within 90 days
- 85% of cases should be disposed within 180 days
- 96% of cases should be disposed within 365 days

Case processing time standards are put in place to address an overall workload perspective for performance standards.

Funding Sources

Arizona Revised Statutes § 41-2421, enacted in 1999, created three main funding sources for Fill The Gap efforts: a state general fund appropriation; a seven percent Fill The Gap surcharge; and a five percent set-aside of funds retained by local courts when revenues exceed the 1998 benchmark. It should be noted that counties with populations exceeding 500,000 (Maricopa and Pima) have not been eligible for general fund appropriations since fiscal year 2005 as directed by legislation. The 7% surcharge earmarked for the courts is deposited in the State Aid to the Courts Fund and administered by the AOC pursuant to A.R.S. § 12-102.02. The five percent set-aside funds are collected by the courts, kept locally, and approved by the Supreme Court for local court use.

In addition to the general fund appropriation being eliminated in fiscal year 2009, between fiscal years 2009 and 2015 another \$473,800 has been swept from this fund to assist with the state budget deficit. Maintaining staffing and resource levels continues to be a struggle for many courts due to lack of funding at all levels, making initiatives for improvement difficult to achieve.

County Project Overview

As defined by statute, the purpose of the State Aid to the Courts Fund is to provide state aid to the superior court, including the clerk of the superior court, and the justice courts in each county for the processing of criminal cases.

Within each county the presiding judge of the superior court, the clerk of the court and the presiding justice of the peace must develop a plan, in coordination with the chairman of

the county board of supervisors or their designee which is submitted to the AOC. The proposed plan details how the funds will be used, how the plan will assist the county in improving criminal case processing and specifically how each court entity will use the funds.

Counties may apply to use the funds for any purpose that improves criminal case processing. Solutions in each county are different due to varying constraints such as funding, caseload size, staffing, geographic factors and interaction with local criminal justice agencies. Considering funding sweeps, some of the less populous counties had previously chosen to allow funds to build over time until a balance of funds was sufficient to implement meaningful projects. The following is a list of accomplishments for the counties receiving Fill The Gap funds.

Apache County

The Superior Court in Apache County continues to improve the courts with greater use of technology. As such, in an effort to assist the County Attorney in implementing their paperless caseload management system the court has installed Wi-Fi in the both the general and limited jurisdiction courts, as well as installing video conferencing equipment and scanners in the courts. Fill The Gap funds are also used to pay for 75% of the county's computer, network and case management system (ACAP) support and maintenance fees. The field trainer continues to play a key role in assisting courts in processing criminal cases by providing training to assist in identifying workflow process issues, and where data clean-up is needed. The field trainer also continues to provide hands-on training which establishes greater uniformity of practice and/or procedures across the Limited Jurisdiction courts ensuring criminal cases are processed in the most efficient manner. Efforts continue in improving the Time to Disposition statistics. However, fiscal year 2015 posed challenges with new administration beginning midway through the fiscal year. In fiscal year 2015, 36% of felony cases are being disposed of within 100 days, while 68% of cases are being disposed of within 180 days.

Cochise County

The Superior Court in Cochise County continues to focus on Early Resolution Court and the Deferred Incarceration Sanction Program in an effort to improve criminal case processing. This approach to the management of felony cases has provided disposition rates of 62% of cases being disposed within 100 days, and 84% of cases being disposed within 180 days. Fill The Gap funds one presentence investigator, who is responsible for completing presentence interviews and reports. Presentence reports are an important part of criminal case processing as the information is a useful resource for judges to complete sentencing hearings more efficiently. Fill The Gap funding also supports the use of Justice of the Peace Pro Tempore to allow judicial officers to attend mandated training and conferences. The Court continues to utilize technology, as shown by the use of interactive video conferencing for many of the hearings within its consolidated arraignment calendar. Fill The Gap funds are also used to pay for the county's ACAP support and maintenance fees which include the support of their case management system.

Coconino County

Coconino County operates DUI and drug specialty courts and continues to find these programs successful, as they reduce the rate of recidivism for alcohol and drug related cases in the superior and justice courts. The operation of DUI and drug specialty courts, including monitoring of DUI/Drug Court participants by the probation department, is partially funded with Fill The Gap funds. The participants are high risk/high need defendants who receive intensive community based treatment, strong judicial oversight, alcohol/drug urinalysis tests, and probation supervision, and are also required to participate in support groups. During fiscal year 2015, DUI/Drug Court provided intensive treatment to 129 participants and of the 5,552 urinalysis tests given during the fiscal year, 98% reflected no illicit substances. The proportion of participants re-arrested while still involved with the program was 10%. In fiscal year 2015, 37% of felony cases are being disposed of within 100 days, while 70% of cases are being disposed of within 180 days.

Gila County

Gila County is utilizing Fill The Gap funds to support the Payson network upgrade project, which is geared to improve network speed for the Payson court-user by utilizing "GovNet" communication services. However, this process is taking longer than expected and has been extended into fiscal year 2016. This is due to the vendor acquiring the necessary and required permits to install a radio tower on Mount Ord. The remaining Fill The Gap funds were used to pay for the county's ACAP support and maintenance fees which include the support of their case management system. In fiscal year 2015, 11% of felony cases are being disposed of within 100 days, while 37% of cases are being disposed of within 180 days.

Graham County

The Superior Court in Graham County continues to fund a Judge Pro-Tempore and a pre-trial services officer using Fill The Gap funds. The Judge Pro-Tempore provides coverage allowing the presiding judge to hear more complex criminal cases and also handles conflict criminal cases and settlement conferences. The pre-trial services officer provides supervision, compliance monitoring, reporting, and hearing notification services for pre-adjudicated adult criminal defendants. Fill The Gap funds were also used to pay for the county's ACAP support and maintenance fees which include the support of their case management system. In fiscal year 2015, 44% of felony cases are being disposed of within 100 days, while 69% of cases are being disposed of within 180 days.

La Paz County

With fifty percent of the case filings in La Paz County being criminal the Superior Court in La Paz County used Fill The Gap funds to support personnel to aid in improving and expediting criminal case processing. Funds have supported portions of three staff positions which include the field trainer, a presentence investigator, and a network support administrator. The field trainer provides standardized training to superior, justice, and municipal court personnel in entering criminal cases into the case management systems; monitoring case aging reports; providing assistance in keeping and reporting statistics; and developing directives for data clean-up. The presentence investigator completed pre-sentence reports within the 48 business hour statutory time frame 98% of the time. The network support administrator provided the technical support to ensure the

courts were able to maintain and provide accurate criminal case data monitoring and reporting in the superior court's case management system. In fiscal year 2015, \$100,000 in local Fill The Gap funds were used to supplement the courts budget by covering some of the costs of indigent defense services for criminal conflict matters. Criminal conflict matters were increased due to the Presiding Judge being the former County Attorney, while the conflict cases are now decreasing the use of Fill The Gap funds allowed cases to continue to be processed in accordance with applicable rules and statutes. In fiscal year 2015, 9% of felony cases are being disposed of within 100 days, while 31% of cases are being disposed of within 180 days.

Maricopa County

Maricopa County funds various personnel who aid in early case management and dedicated case processing. The court used Fill The Gap funds for criminal case processing by effectively evaluating offenders and by assigning cases for dedicated case processing. Advances were made in criminal case processing using Fill The Gap funds for resources which maintained existing processes and developed new processes for felony case processing. In fiscal year 2015, 56% of felony cases are being disposed of within 100 days, while 77% of cases are being disposed of within 180 days.

In collaboration with the Clerk's Office, the Superior Court has managed to successfully develop the following programs to enhance criminal case processing.

Reporting and Case Management

- The Clerk's Office received funding for 48 positions, comprised of 22 Courtroom Clerks, 2 Courtroom Services Supervisors, 22 Justice System Clerks, and 2 Justice System Clerk Leads.
- The Clerk's Office continued using funds to support court clerks who perform mandated functions directly related to criminal case processing such as covering criminal calendars, recording court proceedings, transcribing notes, and recording and securing exhibits.
- The Clerk's Office also funded document management and clerical staff who provide resources for case filing, docketing, scanning, and related document management processes for criminal cases.
- The Superior Court received funding for 33 positions, comprised of 4 Bailiffs, 4 Commissioners, 3 Interpreters, 4 Judicial Assistants, 4 Judicial Clerks, 11 Judicial Clerk Associates and 3 Judicial Clerk Supervisors.

Centralized and Dedicated Case Processing

- The Regional Court Centers (RCC) and Early Disposition Court heard 16,696 cases and 11,337 pretrial calendar matters respectively during fiscal year 2015. This court provides a forum for centrally processing felony preliminary hearings,

pleas and felony arraignments. All in-custody RCC defendants are scheduled for the downtown location to help balance calendars, with more out of custody defendants being shifted to the Southeast Regional RCC based on zip code.

- The Probation Adjudication Center (PAC) processed over 13,571 revocation arraignment cases during fiscal year 2015.
- The Initial Appearance Court heard 77,447 cases in fiscal year 2015 and runs eight daily calendars continuously.
- The Post-Conviction Relief Unit is centralized within the Criminal department. There were 1,139 petitions for Post-Conviction Relief, which was 1% more than 2014.
- Six Master Calendar Commissioners heard over 31,447 matters which included initial pretrial conferences, comprehensive pretrial conferences, non-witness violations, changes of plea, settlement conferences, sentencing and trials. This is a decrease in the number of hearings compared to the 33,075 in 2014.
- Settlement Conference on Demand allows attorneys to contact staff and obtain settlement conferences without contacting multiple judicial divisions. The average number of monthly requests received was 333 in 2015.
- The public information desk handled 80,089 phone calls, 45,377 walk in customers and 3,092 Spanish only speaking customers during 2015. This is an increase from 2014 which had 79,981 phone calls, 34,757 walk in customers and 1,710 Spanish only speaking customers.
- The Not-Guilty Arraignment calendar heard 12,910 cases. The Bond Forfeiture calendar processed 1,404 matters, resulting in \$1,299,348 in bonds forfeited by the posting party during fiscal year 2015.

Mohave County

Mohave County utilized Fill The Gap funds for various resources supporting criminal case processing, including a court commissioner, judicial assistant, courtroom clerks and contract court reporters. The court commissioner manages the revised case assignment system to redistribute heavy dockets and enhance the processing of criminal matters, in fiscal year 2015 the commissioner was assigned 648 cases. The clerks provide the additional resources needed for case preparation, operation and follow-up on court activities. Contract court reporters provide greater flexibility for court divisions and court commissioners to preside over criminal court proceedings as required by statute. These resources support the court's efforts to improve workflow and case processing times. In fiscal year 2015, 30% of felony cases are being disposed of within 100 days, while 63% of cases are being disposed of within 180 days.

Navajo County

Navajo County utilized Fill The Gap funds for a judge pro-tempore, court reporter, caseflow manager, court services coordinator, on-call interpreter and other court support personnel to assist in the criminal case processing efforts. The courts continue to utilize these personnel to improve coverage for the court's criminal calendar, which has reduced case continuances and improved case-processing time to disposition. The judge pro-tempore conducted pretrial hearings, change of pleas and trials on criminal matters and the caseflow manager provided data tools to assist judges in decision-making tasks on pending cases. The funded court services coordinator in the justice court provides quality management data and monthly caseflow management reports to the judges and staff, with information on pending court proceedings and past case continuances. The information provided by the caseflow manager is used as a tool to maintain focus on time limits and DUI case processing time standards. Access to judge pro-tempore, court reporters and on call interpreters has aided case processing by providing consistent and reliable coverage for the criminal calendar. The number of court related events aided by interpreter services increased by 9% in fiscal year 2015, for a total 643 court related events. In fiscal year 2015, 56% of criminal cases were disposed within 180 days and 52% of cases were disposed within 100 days. The court has a case clearance rate of 96.5% for fiscal year 2015.

Pima County

Pima County continues to improve technology through electronic data sharing to expedite processing of criminal cases and reduce time to disposition. This is accomplished by improving case evaluation and management to reduce the time between court events. Pima County Fill The Gap projects continue to improve timely notification of grand jury indictments to detention personnel and defendants, streamline presentence processing and minute entry distribution, improve criminal case disposition reporting, improve collection of fines and fees and utilize technology to enhance overall court operations, saving time and money. In fiscal year 2015, 39% of felony cases are being disposed of within 100 days, while 70% of cases are being disposed of within 180 days.

Pima County continues to improve criminal case processing through various approaches with workflow management and the expanded use of technology.

- The Pretrial Services Intake Unit of the Superior Court is responsible for screening all arrestees, conducting background investigations and submitting recommendations regarding each person's eligibility for non-financial release at the initial appearance. In fiscal year 2015, over 99.5% of cases had a report filed with the court and were eligible for release according to the set guidelines.
- Fill The Gap funded a pro tempore judicial division which adjudicated 1,174 cases in fiscal year 2015.
- The assessment center of the Adult Probation Department prepares presentence reports on all felony cases adjudicated in the Superior Court. The number of presentence reports conducted for fiscal year 2015 was approximately 118 per officer.

- Pima County Consolidated Justice court funds two adult probation officers who are assigned to supervise justice court defendants convicted of DUI, extreme DUI and domestic violence offenses. Their responsibilities also include completing pre-sentence investigations and reports, ensuring defendant compliance with probation conditions, and preparing petitions to revoke and/or arrest probationers when required.
- Pima County Consolidated Justice Courts continued funding one of five staff assigned to the phone team to handle incoming criminal traffic telephone inquiries and process credit card payments by phone. In fiscal year 2015, phone teams had an average wait time of five minutes and an abandonment rate of less than ten percent.
- The Pima County Consolidated Justice Court continued to fund a programmer analyst for technical computer programming support. This person is responsible for managing several projects necessary to criminal case processing in the court's management information systems department. Some of the major contributions made during fiscal year 2015 include the migration of all open case data from NIHIL into Agave SQL to assure continuity of operations and historical case information, complete post implementation revisions and support requests, convert existing financial feeds and processes to Agave SQL and new case management system (CMS) efforts.
- Pima County Consolidated Justice Courts utilized Fill The Gap funding to pay for a service agreement with the Sheriff's Department to process appearance bonds.
- Pima County Consolidated Justice Courts continue funding of a dedicated Spanish language interpreter to provide interpreting services necessary to meet the demands of the court's criminal and DUI caseloads. In fiscal year 2015 the interpreter provided services to 1,970 court events and coordinated American Sign Language and other language interpreting services as needed. This position has improved the quality and consistency of translation services through better scheduling management, thereby reducing delays in criminal case processing.
- A judicial security officer was assigned to the domestic violence specialty court to reduce the overall workload that was frequently placed on security staff. This position escorts detainees to the Pima County Sheriff's Department detention center and escorts victims to their vehicles when needed. The presence of a security officer in the courtroom helps reduce the likelihood of violence in situations where litigants are emotionally charged. In fiscal year 2015, the security officer performed 817 vehicle escorts and requests for officer courtroom presence, detained 107 individuals, and confiscated 22 instances of illegal contraband.
- Pima County Consolidated Justice Court, Green Valley Justice Court and Ajo Justice Court shared costs for maintaining a twice-daily initial arraignment program

held at the Pima County Jail in partnership with the Superior Court and Tucson City Court.

- The Clerk of the Court continued to utilize a case document processing center that organizes the distribution of minute entries, pre-sentence reports, and the imaging and storage of criminal case and other hard copy documents. The Document Processing Unit continues to process minute entries within 3-4 hours of receipt. In fiscal year 2015, the unit distributed 20,244 documents to non-attorney parties.
- The AZTEC field trainer ensured ongoing standardized training for all courts within the county, as well as the monitoring of case aging reports. The field trainer continues to devote time to training staff with ongoing computer enhancements, while also assisting with data clean up.
- Green Valley Justice court received funding for a part-time clerk which validated warrants monthly from several law enforcement agencies, corrected MVD errors identified by the electronic transmission, corrected errors on the AOC monthly statistical report.

Pinal County

Pinal County continues to use Fill The Gap funding for a portion of the salary and benefits of judge pro tempore, commissioners, judicial assistants, clerks and bailiffs for the superior court and clerk of court to maintain operations and effectively manage and support criminal case processing. Pinal County supports the use of a pre-arraignment Early Disposition Court and Probation Revocation Court Calendars and experiences a positive outcome with expediting case disposition. The Early Disposition Court docket moves less complex and lower felony cases from traditional judicial dockets to a docket which establishes firm limits on the number of court settings per case. The Probation Revocation Court Docket removes probation revocation cases from the calendars of full time criminal court judges and consolidates them for more efficient processing. Fill The Gap funds are also used to pay for the county's ACAP support and maintenance fees which include the support of their case management system. In fiscal year 2015, 53% of felony cases are being disposed of within 100 days, while 72% of cases are being disposed of within 180 days.

Santa Cruz County

The Superior Court and Clerk of the Court in Santa Cruz County used Fill The Gap funds in fiscal year 2015 to expedite felony case processing by improving the allocation of the court's workload. Two judicial enforcement clerks follow-up on overdue payments and delinquent accounts. The Clerk of Court funded a criminal deputy clerk to cover all criminal matters for three local superior court judges and visiting judges assigned to Santa Cruz County on a weekly basis. The criminal clerk also serves as the Assistant Jury Commissioner and is responsible for all scheduling, calendar maintenance, questionnaires, and summoning of jurors for service and processing jury payments. In fiscal year 2015, 36% of felony cases are being disposed of within 100 days, while 74% of cases are being disposed of within 180 days.

Yavapai County

Yavapai County utilizes early disposition court as a method to effectively manage non-violent adult offenders. Fill The Gap funding provided; two part-time pro tempore judges, a caseload/program manager, a judicial assistant, a court reporter, a clerk and a bailiff for the Superior Court and Clerk of Court to maintain operations. Two judge pro tempore heard approximately 1,475 cases in fiscal year 2015. The caseload/program manager played an integral role by providing accurate and timely case management reports to better assess criminal case processing. In addition, this position is dedicated to planning and implementing cost-effective technology solutions so courts may be responsive to changing business needs and demands. In fiscal year 2015, 71% of felony cases are being disposed of within 100 days, while 82% of cases are being disposed of within 180 days.

Yuma County

In Yuma County the focus has been on processing, collecting and analyzing criminal case data for effective criminal case management and to expedite criminal case processing. Fill The Gap funds personnel whose primary responsibilities are to process criminal cases and to collect, analyze and report criminal case data. Fill The Gap funded a portion of salaries for a judge, and the caseload manager for the superior court; and a clerk and data entry control specialist for the clerk of court. Yuma also continues to participate in a court performance measurement system initiative designed by the National Center for State Courts to improve and expedite criminal case processing. In fiscal year 2015, 32% of felony cases are being disposed of within 100 days, while 73% of cases are being disposed of within 180 days.

Collections Efforts

The Fines/Fees and Restitution Enforcement (FARE) Program is a successful statewide initiative of the Arizona Judicial branch developed in 2003 to assist local courts with enhancing the enforcement of monetary court orders. The program is a public/private partnership between the Administrative Office of the Courts, a private collections vendor, the Arizona Motor Vehicle Division, and the Arizona Department of Revenue.

Collection services performed by the vendor include: reminder and collection notices, electronic skip tracing, interactive voice response line (IVR), web based payments, credit bureau reporting, collection calls performed by multiple subcontracted vendors and referrals to the Motor Vehicle Division's Traffic Ticket Enforcement Assistance Program (TTEAP). The TTEAP enforcement tool prevents defendants with outstanding court obligations from re-registering their vehicle(s) until all court financial obligations are satisfied.

The Debt Setoff Program is an additional component to the FARE Program which permits state tax refund interceptions on delinquent cases.

The FARE Program resulted in the recovery of \$60.1 million dollars in fiscal year 2015, which was the result of \$45.1 million dollars collected via vendor services and \$15 million in state tax refund interceptions. Other notable achievements include: \$11.5 million

dollars accepted via the payment website and IVR line, 143,729 new case submissions, 36,542 registration holds and 34,364 registration releases.

Conclusion

Participating local courts and the AOC administer and enhance programs that aid courts with implementing long term solutions to improve criminal case processing and the enforcement of court orders. In fiscal year 2015, Fill The Gap funding provided resources to advance technology and streamline case processing. Collecting and analyzing criminal case data has proven to be effective with early case management and to expedite workflow. Technology has been a key to improving the court's access to more user-friendly data for all aspects of criminal case processing, including early case dispositions. The gains made so far in Arizona mark significant progress towards achieving swift, fair justice through Arizona's justice system.

Timely criminal case disposition is critical to public safety, protection of victims' rights, restitution collection and addressing systemic issues, e.g., jail overcrowding, clogged court calendars, etc. Fill The Gap dollars help courts and justice agencies deliver best practices in all of these critical areas.